



Governor Brian Schweitzer

Montana

Department of Labor and Industry

Business Standards Division

EXHIBIT 19

DATE 2-16-07

HB 261

Re: HB 261

MONTANA BOARD OF DENTISTRY

February 19, 2007

Rep. Walter McNutt
Natural Resources Committee
Capitol Building
Helena MT 59602

RE: HB 261 MERCURY DISPOSAL STANDARDS

Dear Representative McNutt and Members of the Committee:

The Montana Board of Dentistry met by conference call on Monday, February 12th, to discuss and review HB 261. After a lengthy discussion, the Board voted unanimously to oppose the proposed amendment that requires the Board of Dentistry to address mercury disposal standards. The Board understands the sensitive nature of amalgam waste in the dental office. However, the amendment will do nothing for mercury reduction that is not already being done by the dentists in Montana. The Board would like to point out their most important concerns of this bill:

- Mr. Bob Reinke, Hazardous Waste Specialist at DEQ, estimates that the collective dental offices in Montana contribute 0.4 cups of mercury/amalgam waste to the state's surface water annually. The burning of coal for power generation contributes 53% of the human produced mercury in the atmosphere. Dental amalgam introduces less than 1% into the waste water and it is in a bound form which does not pollute.
- On August 1, 2005, the American Dental Association released a study entitled Summary of Recent Study of Dental Amalgam Wastewater. They noted that "Measuring the exact amount of amalgam waste being generated and discharged from a dental office is a very difficult task" and that "sampling dental office wastewater discharge does not provide either an accurate or realistic estimate of discharge." The study concluded that with it being next to impossible to statistically measure the waste, there is no accurate way to enforce the percentages as outlined in this bill.
- The economic impact of implementing this amendment is unknown, even to us, but we know that the costs could be substantial. These additional costs would be passed on to the licensees and then to the consumers.
- Lastly, the Board is concerned that they do not possess the expertise to implement the measurement tools that would be required by this bill, nor do they have the ability to monitor and measure accurately the results.

As noted above, the dentists of Montana have already taken aggressive management of amalgam waste and presently have reached a 75% capture rate as presented in written testimony given by Montana Dental Association at the hearing on February 2, 2007. HB 261 requires a 75% capture rate by 2012. That rate has already been achieved.

The Board strongly believes dentists have voluntarily, without regulation from the Legislature, been pro-active in addressing these issues for some years. The Board believes that dentists will continue to move forward and address these sensitive issues in the future. Therefore, the Board would ask the committee not to pass the amendment.

The Board thanks you for your willingness to listen to our concerns. We hope that, as professionals serving the citizens of Montana, together we can help to resolve issues that come before us with compassion and logic.

Sincerely,

Paul Sims, D.D.S., President
Board of Dentistry

cc: file